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The Full and Whole

TRIAL

OF

Mr. Samuel White, Merchant,

Before the Honourable Sir *Charles Hedges*, one of the Lords of the Admiralty, and other of Her Majesty's Judges, on *Tuesday* the 8th of this Instant *February*, at the *Marshals Court* in *Sauthmark*, for **FELONY**, in procuring the Ship, called the *Rainbow*, to be sunk at Sea.

Also, the Tryal of John Elms, for the Murther of Morgan Brampton, on Board the Ship call'd the Adventure.

MR. *Samuel White*, Merchant and Brewer of *London*, was Indicted in two Indictments for Felony, for that in *October* 1702. he did cause a Hole to be cut in the Bottom of the Ship call'd the *Rainbow*, with intent to Sink her at some time before she could put to Sea, and to the end that having Insured the said Ship at a great rate, more than the Intrinick value, he might thereby be a Gainer by the Loss; as having also put Goods on Board that were not saleable, to the great Damage of Trade, and the dishonour of the *English Nation*.

The first Evidence was one *Richard Coe*, who deposed, That he was Partner with *Mr. White*, and to have half the profit for Management of the Brew-house; and that *Mr. White* the Prisoner did put on Board the Ship, the *Rainbow*, several Tuns of Beer for *Barbadoes*, and some other Goods, as Wax-Candles, and Thread, and Neckcloaths; but that the said Beer was mixed with Small-Beer, in which the Queen was cheated, he having his Draw-back as strong, amounting to 230*l*. And also that the said *Mr. White* did often importune the Captain to sink the Ship, as aforesaid, which the Captain sometime refused; but at length was prevailed with, in order to which while the Ship lay at *Bell-Wharf*, *Mr. White* did invite the Men and Officers to a Treat, and while they were on Shore, *Mr. White*, the Captain, and the Evidence *Coe*, did go on Board the *Rainbow*, and cut the Hole in the Run of the said Ship, *Mr. White* holding the Candle till the Captain did it, *Coe* sitting by while it was done; and that *Mr. White* afterwards bid the Captain sell some of the Goods out of her at *Deal*, and being put some Leagues to Sea, the Captain did pull out some of the Oakum that stoppt the Hole till an opportunity could be found, and that then there was a Cry in the Ship that she had sprung a Leak, (*Coe* being on Board her all that time) and that after, it was concluded to go back again to *Plymouth* or *Portsmouth*, and that in going back they were attack'd by a *French Privateer*, who they fought for 4 Hours, and made her sheer off; soon after which the Ship *Rainbow*, overset, and the Men getting into their Boat, were taken up by Captain *Upton* in the *Sidney-Frigor*, and brought to *Plymouth*. He declared further, That the said Ship did afterwards drive to the *Ramhead*, and that the Captain was offer'd by some Country-Men to have part of her Cargo saved, but he made slight of it, being desirous to the contrary for the Reasons aforesaid: He also declared, The Provisions were short and bad.

The next Evidence was one *Kilpin*, who said, He was super-Cargo on Board for another Merchant, and that he did go down to the *Downs* and *Plymouth* to wait for the Ship; but she stay'd and lost her Convoy, and came not till his Money being near spent, he travell'd a Foot again to *London*, (having writ several Letters to *Mr. White* without being able to obtain Answer) and that then *Mr. White* sent him on Board the said Ship in the *Downs*; and that being some Leagues at Sea there was a sudden noise in the Ship raised in the Night time, that she had sprung a Leak; upon which both Pumps were employed, and the Captain telling them the Ship was not fit to pursue her Voyage till she had been Dock'd: He agreed with *Mr. Warren* another Super-Cargo, that they should go back, and that then they met the said *French Privateer* aforesaid, and fought him near 4 Hours; and soon after they got clear of him, the Ship overset, and that Captain *Upton* taking them up, offered to tow the Ship to *Plymouth*; but the Capt: declined it, saying, *She is a heavy Ship, and yours but light, and it may be dangerous for you*. And the said *Rainbow* driving afterwards into *Corson-Bay*, the Capt. might have saved her, or at least some of her Goods; all which he declined; but he knew nothing as to the Hole in the Ship; but did not believe he received that damage by the Privateer.

Mr.

Mr. Warren, the other super-Cargo deposed much to the same purpose, saying, That *Mr. Coe* had never declared to him at any time till lately, that there was such a Design to sink the Ship, but that they fought the Privateer, and that he believed the Capt. did what he could in the Engagement to save her.

The Carpenter of the Ship said, That he had been several times fore and aft, to search her, and that he knew of no place kept lock'd (as *Mr. Coe* deposed) where the Leak was, but that he had privilege to search any where, especially after the out cry was made of her, having sprung a Leak; but could perceive no such Hole cut, and did not believe that it could be done as *Mr. Coe* had declared, for that no Saw could be of use in such a Place. He further said, That the Provisions were good, and they had enough of every thing but Small-Beer, and believed had they not fought the Privateer, they might easily have saved the Ship; and that since his return home in another Ship, *Mr. Coe* had sent to him, but he refused to go to him.

Another Evidence was the Mate of the Ship, who said, That while the Ship lay in the River, he had seen her 3 Foot dry, and had (as it was his Business) been round her to prove her, and never did perceive any such Hole, nor did not believe it was possible for her to live in such bad Weather as she endured, if she had such a Hole in her; but he left the Ship in the Downs, and could say no further.

Mr. White also produced the Gauger, who declared that the Drink was strong, and that it lay free for him, to taste or Gauge when he would, and does not think it so mixed as *Coe* deposed. He said also, that *Mr. Coe* told him about a Week since in the *Queen's-Bench* Prison, that the Capt. of the said Ship ask'd him why he would bring his Name in? And *Coe* answered, because he could not take hold of *White* otherwise.

Another Excise-man also declared, That he and several more of his Fraternity tasted of the Drink, and found it strong; and that *Mr. Coe* had said 'twas worth, when it came to *Barbadoes*, 3 l. a Barrel.

Mr. White produced another Evidence, who declared, That *Coe* had told him, that he would be Revenged on *Mr. White*, and would set the Insurers on his Back, for he had made up his Mouth with them, and never minded him.

Mr. White called several to his Reputation, particularly Colonel *Lee*, a Man of a good Estate, who said, That formerly he had the Honour to command one of the King's Ships, and did not think it practicable that such a Hole should be made, and that he had conversed with several Sailors, who were of his opinion; and said, that he had known *Mr. White* a long time, and ever thought and found him to be a man of Honour and Honesty.

Mr. Hatfield an Attorney, deposed, That he was employed by *Coe*, who being arrested, was bailed by *Mr. White*, and found that *Coe* desired to return *Mr. White* for the Debt; upon which he advised *Mr. White* to surrender *Coe*, who accordingly did, and he was carried to the *Queen's-Bench*. And said further, That *Mr. White* once coming by his House with *Mr. Coe*, he gave them a Bottle of *Mr. White's* Beer, which *Coe* commended, and said, What a pity it was that so much should be lost, saying, There was so many Tuns of the same on Board the *Rainbow*.

It also appear'd that *Coe* had made an Affidavit in *Dollors Commons*, that only one third of the profits were his, whereas on the Tryal he swore to half. *Mr. Whites* Dray-men and Cooper testified to the Drinks being good. It likewise appeared that *Coe* always spoke well of *Mr. White* till now, and had said on Board of Ship, that he was an honest worthy Man. Then one of the Jury who was a Ship-Carpenter, desired *Mr. Coe* once again, to tell how the said Hole was made, and did not concur to his Relation of it: And it appearing that *Coe* was a Man but of little Reputation, and no other Evidence was plain against *Mr. White*, but such as was only Circumstantial, the Jury after a short time brought him in Not Guilty of both Indictments.

John Elms, was Indicted for the Murther of *Morgan Bramton*, Committed on Board the *Adventure*, Merchant Ship in *Margate-Road* about July last: by giving him a Mortal Wound with a Knife on his Breast of which he died instantly: It appear'd by the Evidence that it being the Prisoners Spell or turn to Pump he was to relieve the Deceased, but some words arising they fell to blows for sometime at Handy-cuffs, after which the Prisoner was seen to go after to his Hammack or Cabin as was supposed to fetch a Knife, and that soon after the Deceased was heard to Cry out, O Lord! O Lord! and did not live above three Minuits after, the Evidence said he ask'd Prisoner why he had done such a barbarous Action, and he answered, that if I had not kill'd him he wou'd have kill'd me. It was also deposed by another that he saw him fling a Knife overboard.

The Prisoner in his defence said that the deceased fell upon his Knife unawares; and that he was sorry when he saw it done, saying further that there was never any Malice between them but that he Lov'd the Deceased as his own Brother, and that they were Messmates, and agreed all the Voyage very Lovingly, and it not appearing that any saw him gine the Deceased his said Wound; and no Malice appearing the Jury found him not Guilty.



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